

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE: Lion Air Flight JT 610 Crash

Lead Case: 1:18-cv-07686

This Document Relates To: FITRIYANTI, *as*
Special Administrator of the, NIKKI BAGUS
SANTOSO, deceased

Honorable Thomas M. Durkin

Case No.: 1:cv-20-04796

PLAINTIFF, FITRIYANTI, AS SPECIAL ADMINISTRATOR OF THE
ESTATE OF NIKKI BAGUS SANTOSO'S MOTION TO APPROVE SETTLEMENT

FITRIYANTI, as Special Administrator of the Estate of NIKKI BAGUS SANTOSO, deceased by and through her undersigned attorneys, moves this Court for an Order approving the settlement with defendant of the claim relating to the death, NIKKI BAGUS SANTOSO, and in support thereof states as follows:

FACTS

Plaintiff's decedent, NIKKI BAGUS SANTOSO, was a passenger on board a certain Boeing 737 Max 8 aircraft, registration PK-LQP ("the accident aircraft") being operated by Lion Air as Flight JT610 from Jakarta to Pangkal Pinang, Indonesia on October 29, 2018 ("the accident flight").

This matter is a wrongful death and survival action arising from the deaths of plaintiffs' decedents following the subject aircraft's crash into the Java Sea on October 29, 2018 during operation of the subject flight.

PLAINTIFFS' ALLEGATIONS

Plaintiffs filed a complaint based on products liability and negligence against defendant manufactured, assembled and sold the accident aircraft and prepared and provided an Aircraft Flight Manual (AFM) for the accident aircraft.

Plaintiffs allege that the accident aircraft was defective, in that among other defects, sensors on the accident aircraft were subject to failure and to providing erroneous information to the accident aircraft's flight control system and that, in the event erroneous information was provided as to angle of attack, a flight control system would cause the accident aircraft to go into an uncommanded nose down position. Plaintiffs further allege defendant's AFM did not warn of this danger or provide proper instruction as to responding to such an event.

Plaintiffs allege that as the direct and proximate result of the defective and unreasonably dangerous condition of defendant Boeing's accident aircraft and AFM and defendant Boeing's negligent acts and omissions, the accident aircraft violently crashed into the Java Sea, causing plaintiffs' decedents, and all others onboard, to expire.

Plaintiffs allege as a direct and proximate result of the defective and unreasonably dangerous condition of defendant Boeing's accident aircraft and AFM and defendant Boeing's negligent acts or omissions, plaintiffs and other heirs and next of kin of the decedents suffered loss of support, loss of net accumulations, loss of household services, loss of care, comfort, companionship, guidance, and society and mental anguish, sorrow and grief as the result of the deaths of plaintiffs' decedents.

PLAINTIFF'S DAMAGES

The decedent NIKKI BAGUS SANTOSO was 35 years old. He was a Staff CSR Assistant Manager at PT TIMAH in Indonesia and was earning approximately \$29,000 per year.

The decedent is survived by his wife, Fitriyanti, age 31 and three minor children, R.F.R.(age 10), R.F.D. (age 6), and R.F.K. (age 2).

DEFENDANT'S DEFENSES

Defendant Boeing denies that the accident aircraft was defective and further denies that any act or omission by it proximately caused this crash.

SETTLEMENT AGREEMENT

Counsel for this plaintiff and counsel for defendant engaged in a mediation before retired Cook County Circuit Court Chief Judge O'Connell and have reached an agreement to settle the claims of this plaintiff against defendant.

As a condition of the settlement, plaintiff has agreed to keep the amount of the settlement confidential.

In negotiating this settlement, plaintiffs' counsel considered the strength of plaintiff's action against this defendant and the defendant's defenses, including its potential *forum non conveniens* defense.

Plaintiffs' counsel is experienced in the representation of families of victims of international airplane accidents. Specifically, plaintiff's counsel has represented Indonesian victims in other fatal air crash accidents occurring in Indonesia. Plaintiff's counsel believes the settlement amount is fair and reasonable under all the above-stated considerations.

The mediator Judge O'Connell has a great deal of experience as a judge in aviation matters and this mediator also believes this is a reasonable settlement.

Plaintiff's counsel has fully explained all the above facts to plaintiff and plaintiff agrees that the settlement amount is fair and reasonable, and plaintiff seeks the Court's approval of this settlement.

WHEREFORE, plaintiff prays that this Court enter an Order:

- a. approving the settlement of the claims of plaintiff against defendant;
- b. approving the settlement allocation for decedent's three minor children as detailed in the Closing Statement which has been filed under seal;
- c. dismissing this action with prejudice and without costs against defendant and retaining jurisdiction to effectuate settlement; and providing plaintiff with such other relief as this Court may deem just.

Dated: September 17, 2020.

Respectfully submitted,

/s/ Steven C. Marks

Steven C. Marks

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Local Counsel

CERTIFICATE OF SERVICE

Steven C. Marks, an attorney, certifies that he served Plaintiff FITRIYANTI's Motion to Approve Settlement upon all counsel of record via CM/ECF on September 17, 2020.

/s/ Steven C. Marks
Steven C. Marks, Esq.
Attorneys for Plaintiffs

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[PROPOSED] ORDER ON PLAINTIFF, FITRIYANTI, SPECIAL ADMINISTRATOR OF THE
ESTATE OF NIKKI BAGUS SANTOSO'S MOTION TO APPROVE SETTLEMENT

THIS CAUSE having come before the Court on Plaintiff, FITRIYANTI, as Special Administrator of the Estate of NIKKI BAGUS SANTOSO's Motion to this Court for an Order approving the settlement with defendants of the claim relating to the death of her husband, NIKKI BAGUS SANTOSO.

IT IS HEREBY ORDERED as follows:

1. The Motion for Approval of Settlement is GRANTED.
2. The settlement allocations for decedent's three children, R.F.R; R.F.D and R.F.K, as detailed in the Closing Statement is hereby APPROVED.
3. Dismissing this action with prejudice and without costs against defendant and retaining jurisdiction to effectuate settlement; and providing plaintiff with such other relief as this Court may deem just.

DONE and ORDERED in Chambers this ____ day of September, 2020.

Judge Thomas M. Durkin